

ARC 5244B
ENVIRONMENTAL PROTECTION COMMISSION [567]
Adopted and Filed

Pursuant to the authority of Iowa Code Section 455B.173 and 455B.105(11), the Environmental Protection Commission proposes to amend Chapter 64, “Wastewater Construction and Operation Permits”, Iowa Administrative Code.

The amendment adds and implements a fee structure for wastewater permits.

The Notice of Intended Action was published in the Iowa Administrative Bulletin on November 9, 2005 as **ARC 4652B**. The adopted amendment is modified from the one published to clarify language concerning the individual storm water permits, to define the term “non-storm water NPDES permit”, to clarify language concerning NPDES permit amendment requests, to change the fee due date, and to include changes to the fee structure made by the Iowa Legislature. The adopted amendment will implement HF 2540 as amended. Specifically:

- 1) 64.16(1) is changed to remove the annual fee option for individual storm water only permits, to clarify the need for some facilities to pay both storm water only permit fees and non-storm water NPDES permit fees, to define the term “storm water only permit”, and to define the term “non-storm water NPDES permit”.
- 2) 64.16(2) is changed to direct all fees to the Department of Natural Resources.
- 3) 64.16(2) is changed to clarify the requirements for facilities that need to pay both storm water only permit fees and non-storm water NPDES fees.
- 4) 64.16(3)(a)(5) is changed to add references to the fees for General Permit #5 as established in the Code of Iowa §455B.197.

- 5) 64.16(3)(b) is changed to add references to the application and annual non-storm water NPDES fees as established in the Code of Iowa §455B.197, and to change the fee due date.
- 6) 64.16(3)(b)(3) is changed to clarify the submittal of an application fee for an approved non-storm water NPDES permit amendment request.
- 7) 64.16(3)(c) is changed to add a reference to the single construction permit fee as established in the Code of Iowa §455B.197.

Public comments received were summarized and a responsiveness summary was prepared.

These amendments were adopted by the Environmental Protection Commission on June 19, 2006.

This amendment is intended to implement Iowa Code sections 455B.173, 455B.197 and 455B.105(11).

The effective date for this amendment is August 23, 2006.

The following amendments are adopted.

567-64.16(455) Fees.

64.16(1) A person who applies for an individual permit or coverage under a general permit to construct, install, modify or operate a disposal system shall submit along with the application an application fee ~~and~~ or a permit fee or both as specified in 64.16(3). Certain individual facilities shall also be required to submit annual fees as specified in 63.16(3)“b.” Fees shall be assessed based on the type of permit coverage the applicant requests, either as general permit coverage or as an individual permit. ~~At the time the application is submitted,~~ For a construction permit, an application fee must be submitted with the application. For general permits Nos. 1, 2, 3 and 5, the applicant has the option of paying an annual permit fee or a multiyear permit fee at the time the Notice of Intent for coverage is submitted.

For individual storm water only permits, a one-time, multiple-year fee must be submitted at the time of application. A storm water only permit is defined as a NPDES permit that authorizes the discharge of only storm water and any allowable non-storm water as defined in the permit. For all other non-storm water NPDES permits and operation permits, the applicant must submit an application fee at the time of application and the appropriate annual fee on a yearly basis. A non-storm water NPDES permit is defined as any individual NPDES permit or operation permit issued to a municipality, industry, semi-public, or animal feeding operation that is not an individual storm water only permit. If a facility needs coverage under more than one NPDES permit, fees for each permit must be submitted appropriately.

Fees are nontransferable. If the application is returned to the applicant by the department, the permit fee will be returned. No fees will be returned if the permit or permit coverage is suspended, revoked, or modified, or if the activity is discontinued. Failure to submit the appropriate ~~permit fee~~ at the time of application renders the application incomplete and the department shall suspend processing of the application until the fee is received. Failure to submit the appropriate annual fee may result in revocation or suspension of the permit as noted in 64.3(11)“f.”

64.16(2) Payment of fees. Fees shall be paid by check or money order made payable to the “Iowa Department of Natural Resources.”

For facilities needing coverage under both a storm water only permit and a non-storm water NPDES permit, separate payments shall be made according to the fee schedule in 64.16(3).

64.16(3) Fee schedule. The following fees have been adopted:

a. For coverage under ~~the NPDES General Permit~~ general permits, the following fees apply:

(1) Storm Water Discharges Associated with Industrial Activity, NPDES General Permit No. 1.

Annual Permit Fee	\$150 (per year)
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or

Five-year Permit Fee	\$600
Four-year Permit Fee	\$450
Three-year Permit Fee	\$300

(Coverage provided by the five-year, four-year, and three-year permit fees expires no later than the expiration date of the general permit. Maximum coverage is five years, four years, and three years, respectively.) All fees are to be submitted with the Notice of Intent for coverage under the general permit.

(2) Storm Water Discharge Associated with Industrial Activity for Construction Activities, NPDES General Permit No. 2. The fees are the same as those specified for General Permit No. 1 in subparagraph (1) of this paragraph.

(3) Storm Water Discharge Associated with Industrial Activity from Asphalt Plants, Concrete Batch Plants, and Rock Crushing Plants, NPDES General Permit No. 3. The fees are the same as those specified for General Permit No. 1 in subparagraph (1) of this paragraph.

(4) “Discharge from Onsite Wastewater Treatment and Disposal Systems,” NPDES Permit No. 4. No fees shall be assessed.

(5) “Discharge from Mining and Processing Facilities,” NPDES General Permit No. 5. ~~No fees shall be assessed.~~ Fees as established in Code of Iowa 455B.197 are to be submitted by August 30 of every year unless a multiple year fee payment was received in an earlier year. New facilities seeking general permit #5 coverage in any month but August shall submit fees with the Notice of Intent for coverage. Coverage provided by the five-year, four-year, three-year permit fees expires no later than the expiration date of the general permit. Maximum coverage is five years, four years, and three years, respectively. In the event a facility is no longer eligible to be covered under general permit #5, the remainder of the fees previously paid by the facility would be applied toward its individual permit fees.

b. Individual NPDES and operation permit fees. The following fees are applicable for the described individual NPDES permit:

(1) For permits that authorize the discharge of only storm water discharge associated with industrial activity and any allowable non-storm water, submitted on Form 2F, where the storm water is composed entirely of storm water or combined with process wastewater or other non-stormwater wastewater., a five-year permit fee of \$1,250 must accompany the application.

Annual Permit Fee _____ \$300 (per year)

or

Five-year Permit Fee _____ \$1,250

(2) For permits that authorize the discharge of only storm water discharges from municipal separate storm sewer systems and any allowable non-storm water, a five-year permit fee of \$1,250 must accompany the application.

Annual Permit Fee _____ \$300 (per year)

or

Five-year Permit Fee _____ \$1,250

(3) ~~For participants in an approved group application and EPA has issued a model general permit and no industry-specific general permit is available or being developed.~~

Annual Permit Fee _____ \$300 (per year)

or

Five-year Permit Fee _____ \$1,250

(3) For permits not subject to paragraphs (1) and (2), a single application fee of \$85 as established in the Code of Iowa §455B.197 is due at the time of application. The application fee is to be submitted with the application form (Form 30 for municipal and semipublic facilities; Form 1, 2, 2F, 3, and/or 4 for industrial facilities) at the time of a new application, renewal application, or

amendment application or request. Before an approved amendment request submitted by a facility holding a non-storm water NPDES permit can be processed by the Department, the application fee must be submitted. Application fees will not be charged to facilities holding non-storm water NPDES permits when an amendment request is submitted by DNR staff, or when the requested amendment is to correct an error in the permit.

(4) For every major and minor municipal facility, every semipublic facility, every major and minor industrial facility, every facility that holds an operation permit (no wastewater discharge into surface waters), and every open feedlot animal feeding operation required to hold a non-storm water NPDES permit, an annual fee as established in the Code of Iowa §455B.197 is due by August 30 of each year.

(5) For every municipal water treatment facility with a non-storm water NPDES permit, no fee is charged (as established in the Code of Iowa §455B.197).

(6) For a confinement animal feeding operation required to hold a non-storm water NPDES permit, an annual fee of \$250 per year is due by August 30 of each year.

(7) For a new facility, an annual fee as established in the Code of Iowa §455B.197 is due 30 days after the new permit is issued.

c. Wastewater construction permit fees. A single construction permit fee as established in the Code of Iowa §455B.197 is due at the time of construction permit application submission.